

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**MWK RECRUITING, INC.
Plaintiff,**

v.

**EVAN P. JOWERS, YULIYA
VINOKUROVA, ALEJANDRO VARGAS,
and LEGIS VENTURES (HK) COMPANY
LIMITED (aka Jowers / Vargas),
Defendants.**

Civil Action No. 1:18-cv-00444

EVAN P. JOWERS

Counterclaimant,

v.

**MWK RECRUITING, INC., ROBERT E.
KINNEY, MICHELLE W. KINNEY,
RECRUITING PARTNERS GP, INC.,
KINNEY RECRUITING LLC, COUNSEL
UNLIMITED LLC, and KINNEY
RECRUITING LIMITED**

Counter-defendants.

**EVAN P. JOWERS'S RESPONSE IN OPPOSITION TO MOTION TO CONTINUE
(DKT. 283)**

Evan P. Jowers (“Jowers”) respectfully responds to the Motion to Continue (the “Motion,” *see* Dkt. 283) filed on August 18, 2020 by Plaintiff/Counter-defendant MWK Recruiting Inc. and Counter-defendants Robert E. Kinney, Michelle W. Kinney, Recruiting Partners GP, Inc., Kinney Recruiting LLC, Counsel Unlimited LLC, and Kinney Recruiting Limited (the “Kinney Entities”).

Jowers does not oppose a continuance given that the present date set for trial is less than six weeks away and the parties are unaware which claims are going to be tried, and no final status conference has been set. *However*, Jowers takes exception to the false statements made by Messrs. Mort and Kinney to the Admissions Committee to the Western District in September 2020 in an effort to deprive Jowers of his counsel of record, Robert Tauler (attached as Exhibit A), and submits that the Kinney and Mort make the present motion only so that they may have more time to further influence the admissions, or otherwise commit more fraud in order to eliminate Jowers’ counsel from this case.

Accordingly, Jowers believes the Court should be on guard for similar attempts to leverage Messrs. Mort and Kinney’s personal and local relationships into more attempts to corrupt these proceedings – namely to attempt to interfere with Mr. Jowers’ counsel through their personal networks in the admission committee and the media.

The Court need not look any further than the request for continuance to see the Mort/Kinney fraud in play. Mr. Mort’s numerous newfound scheduling conflicts on the eve of trial lack any substantiation. Mr. Mort is an infamous patent troll who has filed over 80 cases in this district over the past year, but has never first chaired any trial at all, let alone an important trial like *Fintiv*. Mr. Mort has no speaking role in the *Fintiv* case as confirmed by his co-counsel. Moreover, Mr. Mort entered a Notice of Appearance on behalf of Plaintiff *Fintiv, Inc.* in the Conflicting Case on April 21, 2021, at which point the trial date for the Conflicting case was already set. Since that date, Mr. Mort has not filed anything in the Conflicting Case, though nine

other attorneys have recently filed on behalf of Fintiv, Inc. The current trial date for the present case was reset on May 24, 2021, over two months ago, and after Mr. Mort joined the Conflicting Case. Yet no request to continue the trial in the present action was raised until now.

Again, the Court should be on guard for more lies from Messrs. Mort and Kinney as this case (like Exhibit A and the present motion) as this matter eventually and mercifully comes to its end, whether they like it or not. The Court should continue the trial date, but not because of Mr. Mort's lies.

Dated: August 23, 2021

Respectfully submitted,

By: /s/ Robert Tauler
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**COUNSEL FOR DEFENDANT
AND COUNTERCLAIMANT
EVAN P. JOWERS**

CERTIFICATE OF SERVICE

I hereby certify that, on August 23, 2020, a true and accurate copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system.

/s/ Robert Tauler
Robert Tauler